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January 17, 2023

Via CM/ECF Only

The Honorable J. Paul Oetken, U.S.D.J.
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Personnel Staffing Group, LLC, v. XL Insurance America, Inc., et al
Civil Action No. 1:22-cv-10259-JPO

Dear Judge Oetken:

This firm represents Respondents XL Insurance America, Inc. and XL Specialty Insurance Company (collectively “Respondents”) in the above matters against Petitioner Personnel Staffing Group, LLC (“Petitioner”). Please accept this Letter Motion pursuant to Standing Order 19-MC-583 and Section 6 of the SDNY Electronic Case Filing Rules & Instructions in support of Respondents’ request to seal and/or redact certain confidential information in the record.

By way of brief background, Petitioner filed a Petition to Vacate Arbitration Award in the Superior Court of the State of California, County of Los Angeles on September 1, 2022 (“Petition”). The Petition included: (1) the 21-paragraph Petition to Vacate Arbitration Award with Exhibits A, B, C, D, E, and F (*see* Docket Nos. 1-3); (2) the 7-paragraph Declaration of Joseph C. Gjonola (hereinafter, “Gjonola Declaration”), with Exhibits E, G, H, I, J, and K (*id.*); and (3) the Memorandum of Points and Authorities in Support of the Petition (*id.*). Notably, Exhibit E was a “CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY” Stipulation between Petitioner and Respondents dated December 9, 2021.

The Petition was filed conditionally under seal and redacted any confidential statements contained in the accompanying documents. The matter was subsequently removed to the United States District Court for the Central District of California, Western Division. Respondents filed a Motion to File Documents Under Seal on September 23, 2022 (“Motion to Seal”). The Motion to Seal contained a broad request to seal the Petition, Gjonola Declaration, Memorandum of Points, and accompanying exhibits on the basis that these documents contained “Arbitration Information” and were protected from disclosure and public filing under the parties’ Confidentiality Agreement and Protective Order.



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Judge Walter denied the Motion to Seal without prejudice on October 19, 2022, after determining that Respondents had not demonstrated “good cause” or “compelling reasons” to seal the record. The Order provided: “If the Respondents choose to file a subsequent motion to seal documents, they are cautioned that they must explain with specificity why each document should be kept under seal, what injury will result if sealing is denied, and why a less restrictive alternative to sealing is not sufficient under the circumstances.” *See* Docket No. 39.

Petitioner’s subsequent filings included references to the Stipulation. This included Docket No. 44. Respondents filed a renewed motion on November 23, 2022 that was narrowly tailored to seal and/or redact only the most confidential information that cites to, or references, Exhibit E. Again, Exhibit E to the Petition is a Stipulation that was designated “CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY.” The Stipulation unquestionably provided for strict confidentiality and protection of the document and any subsequent references to the substantive contents of the document. This is precisely why the Petition was conditionally filed under seal and appropriately redacted. The renewed Motion included a chart with the docket numbers, page ID, and line numbers that required redaction.

On December 1, 2022, Judge Walter transferred this matter to the United States District Court for the Southern District of New York. The Minute Order (Docket No. 65) provided: “In light of the transfer of this action to the Southern District of New York, the Court DENIES without prejudice Petitioner’s Motion for Preliminary Injunction and DENIES Respondents Motion to Seal and Redact Certain Documents.”

The following documents filed between November 23, 2022 and January 16, 2023 included references to the Stipulation: Docket Nos. 55, 65, 73, 74, 84, 89, and 90. Respondents respectfully renew the request to seal Exhibit E and redact any substantive references to Exhibit E.

The “CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY” Stipulation was entered into with the express understanding that the contents and terms of the document would remain strictly confidential. As part of the settlement, Respondents made certain admissions and concessions *in the context of settlement negotiations* concerning their business information that would unquestionably harm Respondents’ competitive standing in the marketplace. Those admissions and concessions were *only* made for purposes of settlement and are certainly not admissible to prove liability. *See generally* Fed. R. Evid. 408(a) (“Evidence of the following is not admissible – on behalf of any party – either to prove or disprove the validity or amount of a disputed claim...conduct or a statement during compromise negotiations about the claim...”). However, other policyholders will likely use those “CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY” admissions and concessions as a basis to evade payment obligations. Similarly, Respondents competitors will likely use such admissions to gain an unfair advantage over Respondents in the insurance marketplace. This is precisely what Respondents sought to avoid by stipulating to such terms in a “CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY” Stipulation. Public disclosure of the document would eviscerate the “benefit” of



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Respondents' bargain in negotiating and agreeing to the terms of the "CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY" Stipulation.

The Court should seal Docket Numbers: 1, 28, 44, 54, 55, 65, 73, 74, 84, 89, and 90 because each of these entries contain citations to the parties' "CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY" Stipulation. In the alternative, this Court should order the following redactions to apply to these docket entries:¹²

Docket No.	Page ID # and Line Number(s)
Docket No. 1-2	Page ID #3, lines 11-15 insofar as these lines were fully or partially redacted in the filed version of the document.
Docket No. 1-3	<p>Page ID #3, lines 12-14, 20-22, insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #6, lines 3-4, 12-14, 19, 20, 22-23, and 28 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #7, line 1 insofar as this line was partially redacted in the filed version of the document.</p> <p>Page ID #10, lines 1-2 and 22-26 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #11, lines 1-20 and 23 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #12, lines 5-11 and 23 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #14, lines 11-28 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #15, lines 1-21 insofar as these lines were fully redacted in the filed version of the document.</p> <p>Page ID #17, line 21 insofar as this line was partially redacted in the filed version of the document.</p>

¹ Some of the documents in question exceed 1,600 pages. The proposed redactions are narrowly tailored to include only those references to the substantive terms of the "CONFIDENTIAL – FOR SETTLEMENT PURPOSES ONLY" Stipulation.

² Due to the size of the documents, limited versions of Docket Nos. 28, 44, 54, 74, and 90 that only include the relevant pages are being submitted to comply ECF size limits.

	<p>Page ID #18, line 27 insofar as this line was partially redacted in the filed version of the document.</p> <p>Page ID #20, lines 12-16 insofar as these lines were partially or fully redacted in the filed version of the document.</p>
Docket No. 1-5	<p>Page ID #3, lines 3-6 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #6, lines 1-10 insofar as these lines were fully or partially redacted in the filed version of the document.</p>
Docket No. 28-4	<p>Page ID #4, lines 3-6 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #7, lines 1-7 and 9-10 insofar as these lines were fully or partially redacted in the filed version of the document.</p> <p>Page ID #1051-1051, unnumbered lines insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #1057-1058, unnumbered lines insofar as these lines are fully or partially redacted in the attached document</p>
Docket No. 28-5	<p>Page ID #4, unnumbered lines insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #17-36, unnumbered lines insofar as these lines are fully or partially redacted in the attached document</p> <p>Page ID #38-40, unnumbered lines insofar as these lines are fully or partially redacted in the attached document</p> <p>Page ID #42-44, unnumbered lines insofar as these lines are fully or partially redacted in the attached document</p>
Docket No. 28-6	<p>Page ID #4, lines 12-14 and 20-21, insofar as these lines were partially or fully redacted in the filed version of the document.</p> <p>Page ID #7, lines 3-4, 12-14, 19-20, 22-23 and 28, insofar as these lines were partially or fully redacted in the filed version of the document.</p>



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	<p>Page ID #8, line 1, insofar as this line was partially or fully redacted in the filed version of the document.</p> <p>Page ID#11, lines 1-2 and 22-26, insofar as these lines were partially or fully redacted in the filed version of the document.</p> <p>Page ID #12, lines 1-20 and 23, insofar as these lines were partially or fully redacted in the filed version of the document.</p> <p>Page ID #13, lines 5-11 and 23, insofar as these lines were partially or fully redacted in the filed version of the document.</p> <p>Page ID #15, lines 11-28, insofar as these lines were partially or fully redacted in the filed version of the document.</p> <p>Page ID #16, lines 1-21, insofar as these lines were partially or fully redacted in the filed version of the document.</p> <p>Page ID #18, line 21, insofar as this line was partially or fully redacted in the filed version of the document.</p> <p>Page ID#19, line 27, insofar as this line was partially or fully redacted in the filed version of the document.</p> <p>Page ID#21 lines 12-16, insofar as these lines were partially or fully redacted in the filed version of the document.</p>
Docket No. 44	<p>Page ID #2, lines 18-21 and 25-26 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #6, lines 4-7, 10-12, 18-19, and 21 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #7, lines 6-8 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #8, lines 18-19 and 23-25 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #12, lines 20-22 and 25-26 insofar as these lines are fully or partially redacted in the attached document.</p>



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	<p>Page ID #13, lines 1-2, 5-8, 10-14, 16-19 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #14, lines 11-19 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #15, lines 16-17 and 20-21 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #16, lines 1-3, 6-8, 13-14, 18-19, and 24-26 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #17, lines 5-6, 12-13, 17-18, and 22-24 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #21, lines 6-9 and 11 insofar as these lines are fully or partially redacted in the attached document.</p>
Docket No. 44-2	<p>Page ID #4, lines 3-6 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-5, Page ID #3.</p> <p>Page ID #7, lines 1-10 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-5, Page ID #6.</p> <p>Page ID #1050-1051 should be sealed in its entirety. This was sealed in the original papers and is the subject of this Motion.</p>
Docket No. 44-3	<p>Page ID #4, lines 12-14, 20-22, insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #3.</p> <p>Page ID #7, lines 3-4, 12-14, 19, 20, 22-23, and 28 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #6.</p> <p>Page ID #8, line 1 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #7.</p>



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	<p>Page ID #11, lines 1-2 and 22-26 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #10.</p> <p>Page ID #12, lines 1-20 and 23 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #11.</p> <p>Page ID #13, lines 5-11 and 23 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #12.</p> <p>Page ID #15, lines 11-28 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #14.</p> <p>Page ID #16, lines 1-21 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #15.</p> <p>Page ID #18, line 21 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #17.</p> <p>Page ID #19, line 27 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #18.</p> <p>Page ID #21, lines 12-16 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #20.</p>
Docket No. 44-4	<p>Page ID #4, lines 11-15 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-2, Page ID #3.</p> <p>Page ID #s 17-25, unnumbered lines insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #s 27-28, unnumbered lines insofar as these lines are fully or partially redacted in the attached document.</p>

	<p>Page ID #30, unnumbered line insofar as this line is partially redacted in the attached document.</p> <p>Page ID #32, unnumbered line insofar as this line is partially redacted in the attached document.</p> <p>Page ID #34, unnumbered lines insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #40, unnumbered line insofar as this line is partially redacted in the attached document.</p> <p>Exhibit K to Petition, originally filed under seal.</p> <p>Exhibit J to Petition, originally filed under seal, Page ID #38-40.</p>
Docket No. 54-1	<p>Page ID #2, lines 7-8 and 20-24 insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #3, lines 21-25, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #8, lines 7-8, 14-15, 22-23 and 27-28, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #9, lines 2-9, 12, and 19-24, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #10, lines 1-4, 6, and 15-16, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #14, lines 9-11, 14-23, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #15, lines 2-14 and 17-18, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #16, lines 10-12 and 22-23, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #17, lines 2, 9-10, and 12-13, insofar as these lines are fully or partially redacted in the attached document.</p>

	<p>Page ID #23, Lines 8-10 and 27-28, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID# 24, lines 1-8, 19, 17, 19-2, and 26-28, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #25, lines 1-8 and 24-25, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #30, lines 14-28, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID #31, lines 1-5, insofar as these lines are fully or partially redacted in the attached document.</p> <p>Page ID # 33, lines 10 and 15, insofar as these lines are fully or partially redacted in the attached document.</p>
Docket No. 54-3	<p>Page ID #4, lines 3-6 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-5, Page ID #3.</p> <p>Page ID #7, lines 1-10 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-5, Page ID #6.</p> <p>Page ID #1050-1051 should be sealed in its entirety. This was sealed in the original papers and is the subject of this Motion. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-2, Page ID #s 1050-1051.</p> <p>Page ID #1056-1058, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 28-4, P</p>
Docket No. 54-4	<p>Page ID #4, lines 12-14 and 20-22 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #3.</p>



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	<p>Page ID #7, lines 3-4, 12-14, 19, 20, 22-23 and 28 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #6.</p> <p>Page ID #8, line 1 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #7.</p> <p>Page ID #11, lines 1-2 and 22-26 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #10.</p> <p>Page ID #12, lines 1-20 and 23 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #11.</p> <p>Page ID #13, lines 5-11 and 23 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #12.</p> <p>Page ID #15, lines 11-28 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #14.</p> <p>Page ID #16, lines 1-21 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #15.</p> <p>Page ID #18, line 21 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #17.</p> <p>Page ID #19, line 27 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #18.</p> <p>Page ID #21, lines 12-16 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #20.</p>
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Docket No. 54-5	<p>Page ID #4, lines 11-15 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-2, Page ID #3.</p> <p>Page ID #s 17-25, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #s 17-25.</p> <p>Page ID #s 27-28, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #s 27-28.</p> <p>Page ID #30, unnumbered line insofar as this line is partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #30.</p> <p>Page ID #32, unnumbered line insofar as this line is partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #32.</p> <p>Page ID #34, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #34.</p> <p>Page ID #40, unnumbered line insofar as this line is partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #40.</p>
Docket No. 55	<p>Page ID #3, lines 13-17, 22, 25-26; Page ID #4, lines 5, 22-23; Page ID #5, lines 15, 20, 24-25; Page ID #6, lines 3-4, 8;</p> <p>These are duplicative of the (proposed) redactions set forth above.</p>
Docket No. 65	Page ID 3-4.
Docket No. 74-1	Page ID #4, lines 3-6 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-5, Page ID #3.

	<p>Page ID #7, lines 1-10 insofar as these lines were fully or partially redacted in the filed version of the document. This is consistent with the redactions set forth on Docket No. 1-5, Page ID #6.</p>
Docket No. 74-2	<p>Page ID #309-321 should be sealed in its entirety. This was sealed in the original papers and is the subject of this Motion. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-2, Page ID #s 1050-1051.</p>
Docket No. 74-3	<p>Page ID #4, lines 12-14 and 20-22 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #3.</p> <p>Page ID #7, lines 3-4, 12-14, 19, 20, 22-23 and 28 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #6.</p> <p>Page ID #8, line 1 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #7.</p> <p>Page ID #11, lines 1-2 and 22-26 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #10.</p> <p>Page ID #12, lines 1-20 and 23 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #11.</p> <p>Page ID #13, lines 5-11 and 23 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #12.</p> <p>Page ID #15, lines 11-28 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #14.</p> <p>Page ID #16, lines 1-21 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #15.</p>

	<p>Page ID #18, line 21 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #17.</p> <p>Page ID #19, line 27 insofar as this line is partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #18.</p> <p>Page ID #21, lines 12-16 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-3, Page ID #20.</p>
Docket No. 74-4	<p>Page ID #4, lines 11-15 insofar as these lines are fully or partially redacted in the attached document. This is consistent with the redactions set forth on Docket No. 1-2, Page ID #3.</p> <p>Page ID #s 17-25, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #s 17-25.</p> <p>Page ID #s 27-28, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #s 27-28.</p> <p>Page ID #30, unnumbered line insofar as this line is partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #30.</p> <p>Page ID #32, unnumbered line insofar as this line is partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #32.</p> <p>Page ID #34, unnumbered lines insofar as these lines are fully or partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #34.</p> <p>Page ID #40, unnumbered line insofar as this line is partially redacted in the attached document. This is duplicative of the (proposed) redactions set forth on the attached Docket No. 44-4, Page ID #40.</p>

Docket No. 84	Page ID #2, 3, 5, 6, 8, 9, and 11.
Docket No. 89	Page ID #2, 4, and 5.
Docket No. 90	Page ID #2, 5, 6, 7, 8, 11, 12, 13, 16, 17, and 18.

Respondents' request is narrowly tailored and seeks a less restrictive alternative than sealing. "The Second Circuit has articulated a three-step process for determining whether documents should be placed under seal." *See Aioi Nissay Dowa Ins. Co. Ltd. v. Prosight Specialty Mgmt. Co.*, 2012 WL 3583176 (S.D.N.Y. Aug. 21, 2012), citing *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

First, a court must determine whether the presumption of access attaches. A presumption of access attaches to any item that constitutes a 'judicial document' – i.e., an item...relevant to the performance of the judicial function and useful in the judicial process. Second, if the court determines that the item to be sealed is a 'judicial document,' the court must then determine the weight of the presumption of access. [T]he weight to be given the presumption of access must be governed by the role of the material at issue in the exercise of Article III judicial power and the resultant value of such information to those monitoring the federal courts. Generally, the information will fall somewhere on a continuum from matters that directly affect an adjudication to matters that come within a court's purview solely to insure their irrelevance. Finally, after determining the weight of the presumption of access, the court must 'balance competing considerations against it.' 'Such countervailing factors include but are not limited to the danger of impairing law enforcement or judicial efficiency and the privacy interests of those resisting disclosure.

Id., quoting *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d at 119-120.



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Filed contemporaneously with this Letter Motion are: (1) copies of the documents at issue with the proposed redactions; and (2) unredacted copies of the documents at issue, with the proposed redactions highlighted for the Court's review submitted *ex parte*.

We thank the Court for its consideration in this matter.

Respectfully submitted,

/s/ Dennis E. Kadian

Dennis E. Kadian

DEK/LHS
Enclosures